

1 BILL NO. G-87-06-38

2 GENERAL ORDINANCE NO. G- Withdrawn

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a portion of street.

6 WHEREAS, a petition to vacate a portion of a public
7 street within the City of Fort Wayne (as more specifically
8 described below) was duly filed with the City Planning
Commission; and

9 WHEREAS, said Commission duly held a public hearing
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its
12 recommendation to this body approving said petition, all in
13 accordance with I.C. 36-7-4-512(2) and this body having held
14 a public hearing on said vacation as provided in I.C. 36-7-
15 4-12; and

16 WHEREAS, this body concurs in the recommendation of the
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

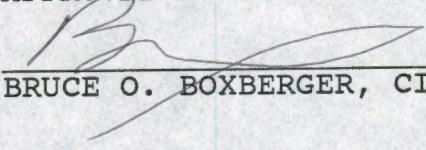
20 SECTION 1. That the petition filed herein to vacate a
21 portion of a public street within the City of Fort Wayne,
22 more specifically described as follows, to-wit:

23 Ralph Avenue, commencing at a point one hundred forty
24 five feet (145) west of the centerline of Poinsette
Drive, thence proceeding west a distance of one hundred
six and eight-tenths (106.8) feet.

25 and which vacating amends the Thoroughfare Plan of the City
26 Comprehensive ("Master") Plan and is hereby approved in all
27 respects.

28 SECTION 2. That this Ordinance shall be in full force
29 and effect from and after its passage, any and all necessary
30 approval by the Mayor.

31 Janet H. Bradbury
32 COUNCILMEMBER

1 APPROVED AS TO FORM AND LEGALITY:
2 
3

4 BRUCE O. BOXBERGER, CITY ATTORNEY

5 ** Public hearing to be held on _____,
6 the _____ day of _____, 1987,
7 in the Council Chambers.

8 Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Bradbury
seconded by Talarico, and duly adopted, read the second time
by title and referred to the Committee Legislative (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on 1987, the 19 day of June, at 10 o'clock A.M.

DATE: 6-23-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Talarico, and duly adopted, placed on it
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	<i>W.M.</i>	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: 6-23-87

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ A.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ A.M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

OK# 4549 COMMUNITY DEVELOPMENT & PLANNING

No 1191

FT. WAYNE, IND., 5-6 87RECEIVED FROM Housing & Leach \$ 100.00THE SUM OF One hundred and 00 DOLLARSON ACCOUNT OF abc - FelipeAUTHORIZED SIGNATURE John B

PETITION TO VACATE PORTION OF STREET

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE

The undersigned, Timothy L. Morris and Deborah A. Morris, husband and wife, petitioners herein, do hereby respectfully petition the Fort Wayne City Planning Commission to vacate the following portion of public street, within the City of Fort Wayne, Indiana, hereby described as follows:

Ralph Avenue, commencing at a point one hundred forty five feet (145) west of the centerline of Poinsette Drive, thence proceeding west a distance of one hundred six and eight-tenths (106.8) feet.

In support thereof, your petitioners would represent as follows:

1. That the street is not necessary as ingress or egress to any other properties whatsoever.
2. That the street is unopened and non-improved.
3. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.
4. That all property to the west of said vacated portion has been deeded and dedicated to the City of Fort Wayne, for use as a park.

Your petitioners file this petition pursuant to the authority granted in the Indiana Code, Section 36-7-4-521 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 30th day of April, 1987.

Timothy L. Morris
Timothy L. Morris, Petitioner

Deborah A. Morris
Deborah A. Morris, Petitioner

Address: 1429 Ralph Avenue
Fort Wayne, Indiana 46808

Stephen J. Lerch
Stephen J. Lerch
LEVINE & LERCH
Suite 1111
127 West Berry Street
Fort Wayne, Indiana 46802
Telephone: (219) 422-7431
Attorney for Petitioners

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A portion of Ralph Street.

9-87-06-38

EFFECT OF PASSAGE Property is present public right-of-way. Property would be closed for public use and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property would remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

**Division of Community
Development & Planning**

BILL NUMBER

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>																					
Street Vacation Ordinance																							
<table border="1"> <thead> <tr> <th>DETAILS</th> <th>POSITIONS</th> <th>RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td> Specific Location and/or Address Portion of Ralph Street </td> <td> Sponsor Area Affected </td> <td> City Plan Commission City Wide Other Areas </td> </tr> <tr> <td> Reason for Project Additional driveway is needed by petitioner for easier ingress/egrees to property. </td> <td> Applicants/ Proponents </td> <td> Applicant(s) Timothy & Deborah Morris City Department Other </td> </tr> <tr> <td> Discussion (Including relationship to other Council actions) <u>20 July 1987 - Public Hearing</u> Timothy Morris, petitioner and adjacent property owner stated that when his home was built the contractor built it 6 feet closer than he had wanted, making it impossible to back his car out of his driveway and into the street. He stated that this property is at the end of a dead end street, on the south side is a park and on the north side is a wooded area. He stated that his is the only house on the street. </td> <td> Opponents </td> <td> Groups or individuals Basis of Opposition </td> </tr> <tr> <td></td> <td> Staff Recommendation </td> <td> <input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against </td> </tr> <tr> <td></td> <td> Board or Commission Recommendation </td> <td> By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition) </td> </tr> <tr> <td></td> <td> CITY COUNCIL ACTIONS (For Council use only) </td> <td> <input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pa </td> </tr> </tbody> </table>			DETAILS	POSITIONS	RECOMMENDATIONS	Specific Location and/or Address Portion of Ralph Street	Sponsor Area Affected	City Plan Commission City Wide Other Areas	Reason for Project Additional driveway is needed by petitioner for easier ingress/egrees to property.	Applicants/ Proponents	Applicant(s) Timothy & Deborah Morris City Department Other	Discussion (Including relationship to other Council actions) <u>20 July 1987 - Public Hearing</u> Timothy Morris, petitioner and adjacent property owner stated that when his home was built the contractor built it 6 feet closer than he had wanted, making it impossible to back his car out of his driveway and into the street. He stated that this property is at the end of a dead end street, on the south side is a park and on the north side is a wooded area. He stated that his is the only house on the street.	Opponents	Groups or individuals Basis of Opposition		Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against		Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pa
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DETAILS

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

27 July 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the 7 members present, 6 voted in favor of the recommendation, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date May 6, 1987

Projected Completion or Occupancy

Date July 30, 1987

Fact Sheet Prepared by
Patricia Biancaniello

Date July 30, 1987

Reviewed by

Sony Barta

Date

8/31/87

Reference or Case Number

BILL NO. _____

REPORT OF THE COMMITTEE ON _____ REGULATIONS

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

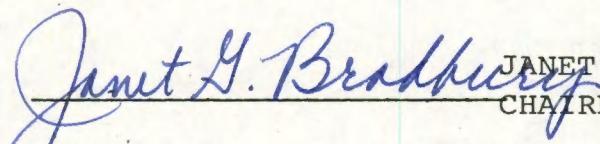
REFERRED AN (ORDINANCE) (RESOLUTION) _____ amending the Thoroughfare

Plan of the City Comprehensive ("Master") Plan by vacating a
portion of street

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG

LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(RESOLUTION)

WithdrawnYESNO
JANET G. BRADBURY
CHAIRPERSON
CHARLES B. REDD
VICE CHAIRMAN

THOMAS C. HENRY

PAUL M. BURNS

BEN A. EISBART

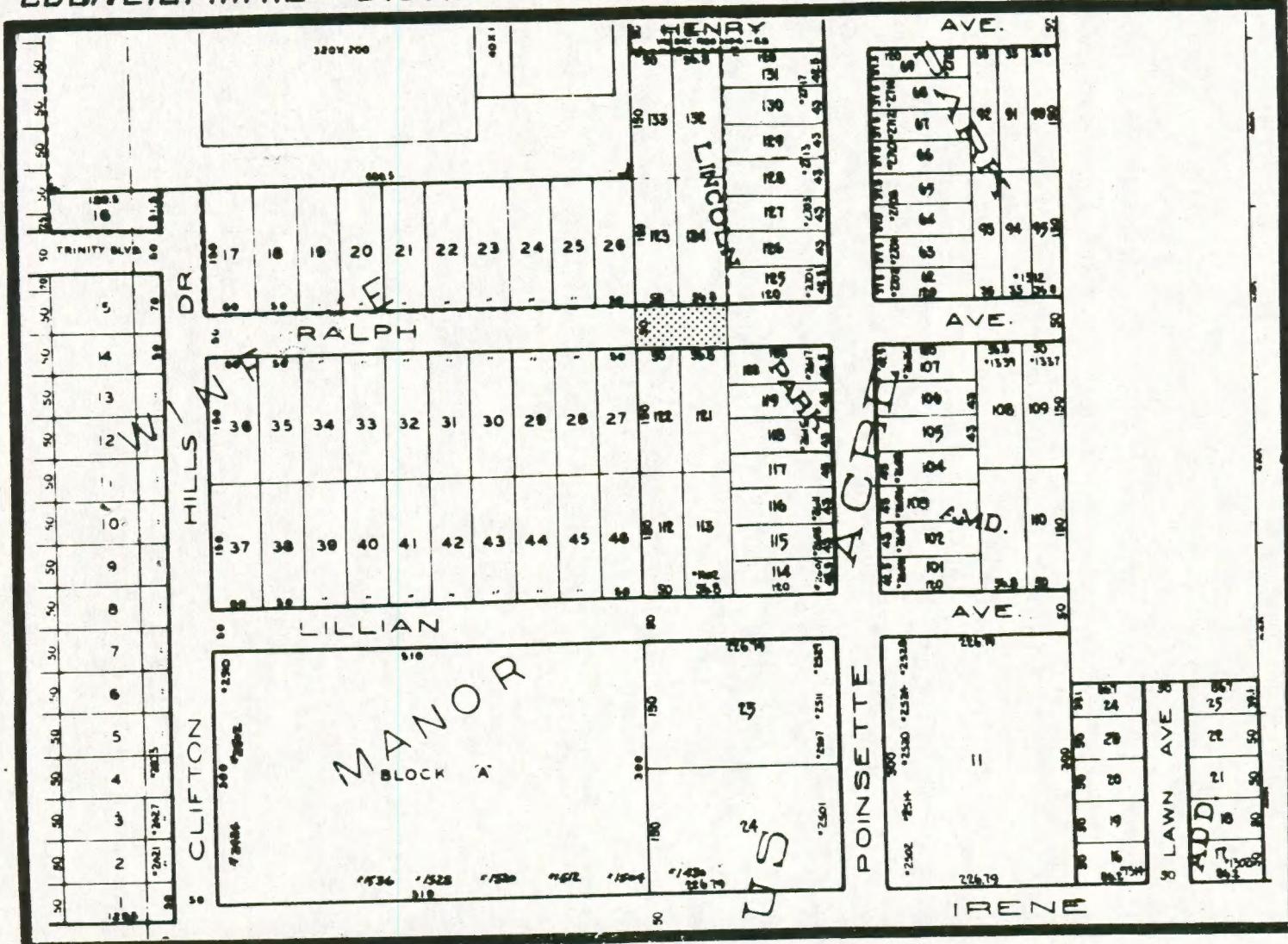
CONCURRED IN 9-22-87SANDRA E. KENNEDY
CITY CLERK

VACATION PETITION 278

A PETITION TO VACATE THE DESCRIBED PORTION
OF PUBLIC STREET.

MAP NO. K-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

LAND USE:

SCALE: 1" = 200'

DATE: 5-27-87



NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, June 15, 1987 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of public right-of-way.

VACATION OF A PORTION OF RALPH AVENUE

Ralph Avenue, commencing at a point one hundred forty five feet (145) west of the centerline of Poinsette Drive, thence proceeding west a distance of one hundred six and eight-tenths (106.8) feet.

All interested persons are invited to attend.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

Alent
Steve Lorch
137 W. Berry
Suite 111
City 62



The City of Fort Wayne

September 3, 1987

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of September 8, 1987, in both the News Sentinel and Journal Gazette.

RE: Legal notice for Common Council
of Fort Wayne, IN

Bill No. G-87-06-38
Portion of Ralph Street

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,
Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-06-38)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, September 22, 1987, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particulary described as follows:

Portion of Ralph Street -- Additional driveway is needed to petitioner for easier ingress/egress to property.

VACATION OF A PORTION OF RALPH AVENUE

Ralph Avenue, commencing at a point one hundred forty five feet (145) west of the centerline of Poinsette Drive, thence proceeding west a distance of one hundred six and eight-tenths (106.8) feet.

All interested persons are invited to attend.

Fort Wayne Common Council
Sandra E. Kennedy

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

September 3, 1987

Steven Lerch, Attorney
127 West Berry
Suite 1111
Fort Wayne, Indiana 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-87-06-38

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, September 22, 1987, at 7:00 P.M. (EST) in the Council Conference Room 128, City-County Bldg. One Main Street, Fort Wayne, Indiana.

VACATION OF A PORTION OF RALPH AVENUE

Portion of Ralph Street -- Additional driveway is needed to petitioner for easier ingress/egress to property.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

 (Governmental Unit)
 Allen County, IN

To JOURNAL-GAZETTE Dr.
 P.O. BOX 100
 FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines
 of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	3
Body	number of lines	15
Tail	number of lines	3
Total number of lines in notice		21

COMPUTATION OF CHARGES

21	1	21	.300¢	\$ 6.30
..... lines, columns wide equals equivalent lines at cents per line				

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two)	2 extra	2.00
.....		

TOTAL AMOUNT OF CLAIM		\$ 8.30
.....		

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Sept. 8 1987

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
 ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned *Drusilla Roose* who, being duly sworn, says

that he/she is of the

JOURNAL-GAZETTE

DAILY

a newspaper of general circulation printed and published

in the English language in the city of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy, **one time** which was duly published in said paper for the dates of publication being

as follows:

9/8/87

Subscribed and sworn to me before this 8th day of September 1987

Shelley R. LaRue
 Shelley R. LaRue Notary Public

March 3, 1990

My commission expires

Fort Wayne Common Council
 (Governmental Unit)
 Allen County, IN

To NEW SENTINEL Dr.
 P.O. BOX 100
 FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Total number of lines in notice		21

COMPUTATION OF CHARGES

21	lines, 1	columns wide equals 21	equivalent lines at 3.00¢	\$ 6.30
cents per line				
Additional charge for notices containing rule or tabular work (50 per cent of above amount)				
Charge for extra proofs of publication (1.00 for each proof in excess of two)				2 extra 2.00
				\$ 8.30

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6	point
Number of insertions 1	Size of quad upon which type is cast 6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Sept. 8 19 87

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
 ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the
 undersigned *Drusilla Roose* who, being duly sworn, says

that he/she is of the

NEWS SENTINEL

a *DAILY* newspaper of general circulation printed and published

in the English language in the city *FORT WAYNE, INDIANA*

in state and county aforesaid, and that the printed matter attached hereto is a true copy,
 which was duly published in said paper for the dates of publication being

as follows:

9/8/87

Subscribed and sworn to me before this 8th day of September 19 87

Shelley R. LaRue
 Shelley R. LaRue Notary Public

March 3, 1990

My commission expires